Single Bench

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CF-2600L

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

WRIT PETITION (S) No.6242/2006

PETITIONER : 1) Kanhaiya Lal Gupta, S/o Shri Bharat Lal Gupta, Nagarpalika Girls Primary School, Kawardha

2) Resham Das Dhritltare, S/o Shri Sakharam Dhritltare, Govt. Primary School, Paneka.

3) Smt. Urmila Mahobia, W/o Shri Ramesh Kumar Mahobia, Nagarpalika Girls Primary School, Kawardha

4) Smt. Sushma Shrivastava, W/o Shri Rajesh Kumar Shrivastava, Nagarpalika Girls Primary School, Kawardha

5) Smt. Bhagwati Tamboli, D/o Shri M R Mahobia, Nagarpalika Girls Primary School, Kawardha.

6) Shiv Narayan Mishra, S/o Shri Prahlad Mishra, Govt. Primary School, Navapara, Bhamni.

7) Anuj Kumar Chandravanshi, Govt. Primary School, Birutola

8) Haider Ali Khan, S/o Shri Munshiraza, Govt. Primary School, Rekhakhar

9) Lalchand Lanjhi, S/o Shri Jivrakhan Lanjhi, Govt. Primary School, Paliguda.

10) Smt. Usha Dubey, Main Primary School,

P.R. No.....
Presented by.....
dated.....

(8)

Kawardha.

11) Shivbhagat Barbe, S/o Shri Shobhuram Barbe, Govt. Primary School, Paraswara

12) Hamed Das Dhritltare, S/o Shri Dhanu Ram Dhritltare, Govt. Primary School, Bhimpuri.

13) Chandrashekhar Sharma, S/o Shri Baldeo Prasad Sharma, Govt. Primary School, Gyanpur.

14) Mohan Lal Sahu, S/o Shri Raijus Sahu, Primary School, Dashrangpur.

15) Hooblal Suktel, S/o Shri Gopal Singh Suktel, Middle School, Dashrangpur.

16) Sanjay Kumar Shrivastava, S/o Late Shri Madan Lal, Pramukh Primary School, Kawardha.

17) Anand Prasad Sharma, Primary School, Majgaon.

18) Smt. Shashi Prabha Jhariya, Middle School, Nagarpalika Girls School, Kawardha.

19) Ashok Kumar Sahu, Govt. Primary School, Bedarchi.

20) Leshwar Singh Thakur, S/o Shri Ghansiram Singh Thakur Primary School, Birkona.

21) Satish Chandra Shrivastava, S/o Shri Manmohan Lal Shrivastava, Primary School, Chottiya.

22) Tek Ram Chandravanshi, S/o Shri Pyarelal Chandravanshi, Primary School, Jhalmala.

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23) Tek Ram Sahu, Primary School, Uslapur, Bodla.

24) Sukil Ram Sahu, S/o Shri Chaitu Ram Sahu, Primary School, Kheli.

25) Smt. Kamlini Agrawal, D/o Shri Sanjay Kumar Gupta, Primary School, Khalsa.

26) Dashrath Nirmalkar, Middle School Bamhani.

VERSUS

RESPONDENT(S) : 1) State of Chhattisgarh through the Secretary, School Education Dept., D.K.S. Bhavan, Raipur (CG)

2) Distt. Education Officer, Distt. Kabirdham (Kawardha)

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 6242 of 2006

Petitioners : Kanhaiya Lal Gupta & others

-Versus-

Respondents : State of Chhattisgarh & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Shri P. S. Koshy, Advocate for the petitioners.
Shri V. V. S. Murthy, Deputy Advocate General for the respondents.

ORDER

(Passed on this 8th day of March, 2007)

1. The petitioners were appointed as Assistant Teacher on fixed pay of Rs. 150/- in the year 1982-89. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

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4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in W. P. (s) 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), which was allowed vide order dated 7th November, 2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari (Supra).
6. In view of that, this petition is allowed in the same terms. No order as to costs.

Thakur

Sd/-
Satish K.Agnihotri
Judge